

# JOURNAL OF THE SENATE

Monday, May 8, 1939

The Senate convened at 2:00 o'clock P. M., pursuant to adjournment on Friday, May 5, 1939.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—37.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of May 2, 1939, was further corrected as follows:

On page 15, column 1, line 11 from the top of the page, strike out the word "advise" at the end of the line and insert in lieu thereof the word "adverse."

And as further corrected was approved.

The Journal of May 5, 1939, was corrected and as corrected was approved.

## REPORTS OF COMMITTEES

Senator McKenzie, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Your Joint Committee on Enrolled Bills, to whom was referred:

Committee Substitute for Senate Bill No. 26:

A bill to be entitled An Act to amend Sections 11 and 12 of Chapter 17808, Laws of Florida, Acts of 1937 entitled "An Act to promote the planting and production, within the State of Florida, of Sea Island Cotton; in the exercise of the reserve powers of the State of Florida to provide protection for growers and producers of such cotton against hybridization and reduction in value thereof; to that end providing for creation of cotton production control district; prohibiting the production, in said districts, of any type of cotton other than Sea Island cotton; also prohibiting the planting therein of any type of cotton seed or plants other than Sea Island cotton seed or plants; providing for the administration and enforcement of the provisions hereof; making an annual appropriation for the purpose of carrying out the provisions hereof; providing penalties and punishment for violation of the provisions hereof" so as to clarify the provision of Section 11 as to the territorial scope of the Act and increasing the annual appropriation provided for in Section 12 of the Act.

Also—

Senate Bill No. 117:

A bill to be entitled An Act to repeal Chapter 4247, Laws of Florida, Acts of 1893, entitled: "An Act to incorporate the Florida Annual Conference of the Methodist Episcopal Church, South."

Also—

Senate Bill No. 124:

A bill to be entitled An Act authorizing Pinellas County, Florida to construct, acquire, improve, extend, operate and maintain certain public works, undertakings, and projects in said County and under, in, over, above and across the waters of Boca Ceiga or Tampa Bay; prescribing the mode of procedure for and regulating the issuance and sale of bonds and other obligations to finance such works, undertakings and projects, providing for the payment of such bonds and other obligations; and authorizing agreements with the holders of such bonds and other obligations.

Also—

Senate Bill No. 152:

A bill to be entitled An Act to amend Chapter 6337, Laws

of Florida, Acts of 1911, being An Act entitled "An Act relating to the incorporation of the Town of Crescent City, fixing its boundaries, conferring on said town all the powers and privileges incident thereto under the laws of the State of Florida, validating all ordinances heretofore passed by said town, validating all acts of said town and its officers, providing for the assessment of taxes and collections of revenue, providing for paving and improving streets and sidewalks, providing for and authorizing the issue and sale of bonds, providing for a town council and other officials for said town, providing methods for the government of said town and conferring other powers and privileges of said town," as said Chapter 6337, Laws of Florida, Acts of 1911, is amended by Chapter 8928, Laws of Florida, Acts of 1921, this Act providing for the abolishment of the elective offices in said town of Town Treasurer, Town Tax Collector, Town Clerk, and Town Tax Assessor, and providing for a Town Manager.

Also—

Senate Bill No. 207:

A bill to be entitled An Act fixing and providing for the payment of salaries of Supervisors of Registration in Counties of the State of Florida having a population of not less than Nine Thousand, Seven Hundred and Eighty, and not more than Ten Thousand, according to the last preceding State census taken prior to the passage of this Act.

Also—

Senate Bill No. 236:

A bill to be entitled An Act for the relief of Jim Hopkins of Escambia County, Florida.

Also—

Senate Bill No. 254:

A bill to be entitled An Act to amend Section 4 and Section 5 of Chapter 18284, Laws of Florida, Acts of 1937, being An Act entitled: "An Act relating to the admission of patients to the State Tuberculosis Sanatorium and providing for the payment of the care and maintenance charges of such patients therein."

Also—

Senate Bill No. 294:

A bill to be entitled An Act to repeal Chapter 17969, Acts of 1937, Laws of Florida, being "An Act relating to the distribution and expenditure of monies derived from gasoline taxes placed to the credit of the several counties of the State of Florida having a population of not less than Seven Thousand One Hundred and Fifty (7,150) and not more than Seven Thousand Two Hundred (7,200) according to the State census of 1925, conferring certain powers, authority, and duties upon the State Board of Administration and the State Treasurer with reference thereto, and prescribing the purpose for which such monies shall be expended."

Also—

Senate Bill No. 337:

A bill to be entitled An Act authorizing and empowering the Board of County Commissioners of Escambia County, Florida, to budget, appropriate and expend moneys out of the General Revenue Fund for the purpose of employing a representative or representatives to consult and advise with the Board of County Commissioners of said County regarding the development of natural resources in said County, the establishment, maintenance and development of industries and Federal and State projects and other governmental establishments in said County and to endeavor to secure such industries, developments, projects and establishments, and validating any and all expenditures for like purposes heretofore made.

Also—

Senate Bill No. 349:

A bill to be entitled An Act to fix and provide the compensation of members of the County Board of Public Instruc-

tions in all counties in the State of Florida having a population of not less than 5,525 nor more than 5,850 according to the last preceding State census.

Also—

Senate Bill No. 350:

A bill to be entitled An Act to fix and provide the compensation of members of the Board of County Commissioners in all counties in the State of Florida having a population of not less than 5,525 nor more than 5,850 according to the last preceding State census.

Also—

Senate Bill No. 362:

A bill to be entitled An Act to authorize the Board of County Commissioners of Polk County, Florida, to provide group insurance for the following officers of Polk County and their respective employees, viz: Board of County Commissioners, Clerk of the Circuit Court, County Judge, Sheriff, Tax Collector, Tax Assessor, Clerk County Court and Criminal Court of Record, Supervisor of Registration, and providing that, as to such employees, such group insurance shall be in lieu of the provisions of Chapter 17481, Acts of 1935, known as the Florida Workmen's Compensation Act, and providing that the expenses thereof shall be paid out of the General Fund and validating and confirming all payments heretofore made by such Board of County Commissioners for such group insurance.

Also—

Senate Bill No. 370:

A bill to be entitled An Act to provide payment to the Pace Company, John K. Edwards, M. C. Boley, W. M. Johnson, W. S. Gay, D. C. Dunlap, L. E. Dove, McCurdy Estate, W. T. Farror, Drs. Turberville & Turberville, Pensacola Hospital, Goodyear Service Stores, Pensacola Buggy Works, D. H. Tart and Pensacola Broadcasting Company, by Escambia County, Florida.

Also—

Senate Bill No. 371:

A bill to be entitled An Act to provide payment to L. A. Maygarden, W. J. Noonan, H. E. Gandy, Irving Staples, J. E. and Evelyn Staples, J. H. Simmons, Raymond Crause, Tom Braswell, Paul E. Maygarden, Frank Frick and Gladys Frick, Mrs. W. A. Williams, Walter Jones, George Kinsley, Mrs. R. E. Williams, C. L. J. Smith and Beulah C. Smith, B. M. Cobb, J. C. McConnell, P. W. Nicholson, M. C. Kilpatrick, Luella Marble, Edgar Brockman, Levi Brazwell, J. G. McNair, D. H. Tart, J. M. Grant, R. C. Johnson, and Soule Brothers, by Escambia County, Florida.

Also—

Senate Bill No. 392:

A bill to be entitled An Act providing that no court shall enter any interlocutory or final order, decree or judgment in any case involving the validity or constitutionality of any law relating to the distribution, apportionment of allocation of any State excise or other taxes equally to the several counties of this State, until it appears of record that service of notice of the pendency of the suit and hearings of applications of such orders, decrees or judgments accompanied by copies of the pleadings has been had upon the chairman of the Board of County Commissioners or Chairman of the Board of Public Instruction of the several counties or upon both such chairman of said boards depending upon whether one or both of said boards has an interest in the subject matter, and providing that such boards after such service shall be parties to the case and properly aligned by the court.

Also—

Senate Bill No. 398:

A bill to be entitled An Act fixing the fiscal year of the City of Pensacola, fixing the time of passage of the city council of said city of the annual appropriation ordinance and the annual tax levy ordinance, fixing the time for the submission by the City Manager of the Budget Estimate for the year, fixing the time for the meeting of the Board of Tax Equalization of said city, and repealing all laws and parts of laws in conflict with the provisions of this Act.

Also—

Senate Bill No. 499:

A bill to be entitled An Act to amend Section 25 of Article 3, and Section 49 of Article 4, and Section 62 of Article 8, and Section 63 of Article 8, of Chapter 15116, Laws of Florida of 1931, entitled, "An Act to abolish the present municipal government of the City of Carrabelle, in the County of Franklin and State of Florida; and to organize and establish a Commission Form of Government for the same; to prescribe its jurisdiction and powers; and to authorize the imposition of penalties for the violation of its ordinances"; enlarging the powers of the City of Carrabelle to incur indebtedness, and to issue bonds and other obligations; authorizing the issuance and delivery of mortgages and deeds of trust creating liens on real estate and personal property of the City of Carrabelle, and the pledge of revenues of public utilities to pay certain indebtedness; providing for a referendum election for the ratification or rejection of this Act; repealing conflicting laws.

Also—

Senate Bill No. 504:

A bill to be entitled An Act making it unlawful, and to prohibit the netting, placing and setting of nets, or the taking of fish by nets or in any other way or manner except with rod and reel; pole, hook and line from the waters of Hommosassa River in Citrus County, Florida, and providing a penalty for the violation thereof.

Also—

Senate Bill No. 505:

A bill to be entitled An Act prohibiting, in Lake County, the pursuing, taking, hunting or killing of any game, game birds or game animals on Monday, Wednesday and Friday of each week during the period which, under any law, the hunting, pursuing, taking or killing is permitted by the laws of the State of Florida; providing a penalty for the violation of this Act and repealing all laws and parts of laws in conflict with this Act; and providing that this Act shall take effect immediately upon its passage and approval by the Governor or its becoming a law without such approval.

Also—

Senate Bill No. 506:

A bill to be entitled An Act fixing the Salary of State Attorneys in the State of Florida in Circuits comprising five counties with a population of more than 79,000 people according to the last State census.

Also—

Senate Bill No. 513:

A bill to be entitled An Act authorizing and directing the Board of County Commissioners of St. Johns County, Florida, to cancel all General School and School District Bonds and Interest Coupons of St. Johns County, and other Bonds, Interest Coupons and evidences of indebtedness heretofore received by St. Johns County officials for the payment of taxes, and prescribing the procedure therefor.

Also—

Senate Joint Memorial No. 1:

A Joint Resolution as a Memorial to Congress to pass An Act for the relief of property owners who suffered damages from the campaign to eradicate the Mediterranean Fruit fly.

Also—

Senate Memorial No. 3:

A Joint Resolution as a Memorial to Congress to pass An Act terminating the selling of munitions and war materials by citizens of the United States to the Country of Japan.

Have examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker of Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the Senate.

The Bills and Memorials, contained in the above report were thereupon duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

Senator Hinely, Chairman of the Committee on Engrossed Bills, submitted the following report:

Your Committee on Engrossed Bills, to whom was referred (with amendments) after third reading—

Senate Bill No. 354:

A bill to be entitled An Act to provide for the sale on compromise offers, without advertisement, of all Tax Sale Certificates held by the State of Florida for the year 1936 and/or prior years governing lands in Putnam County, State of Florida; providing that the amount of State tax covered by tax certificates shall not be subject to compromise.

Have carefully examined same, and find same correctly engrossed, and return same herewith.

And Senate Bill No. 354, contained in the above report, was referred to the Committee on Enrolled Bills.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 552:

A bill to be entitled An Act to provide for the punishment of anyone who makes any false statement or false representation concerning any hotel, apartment hotel, inn, apartment house, boarding house or lodging house with the intention of inducing any other person to become a guest of the same, providing further any person operating a hotel who shall pay a person any compensation for the diverting and fraud or other misrepresentation to respective patrons of given hotel, apartment hotel, inn, apartment house, boarding house, or lodging house to any other hotel, apartment hotel, inn, apartment house, boarding house, or lodging house and providing for penalties for the violation of this Act.

And Senate Bill No. 552, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 554:

A bill to be entitled An Act to define and regulate the lien of hotelkeepers and others.

And Senate Bill No. 554, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 518:

A bill to be entitled An Act making it unlawful for any tenant or lessee to hold possession of leased premises after expiration of his time or after default in payment of rent or after violation of any covenant of lease, after three days written notice from lessor, and providing for service of notice and penalty for violation of Act.

And Senate Bill No. 518, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 549:

A bill to be entitled An Act to provide for the sale of unclaimed articles and other chattel property covered by liens of hotelkeepers and others.

And Senate Bill No. 549, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 636:

A bill to be entitled An Act to amend Chapter 17807, Laws of Florida, Acts of 1937 being, "An Act declaring to be an unlawful monopoly and its purposes to be in restraint of trade, any combination of persons, firms or corporations which determine the amount of money to be paid to it or to its members for the privilege of rendering privately or publicly for profit copyrighted vocal or instrumental musical compositions, when such combination is composed of a substantial number of all musical composers, copyright owners, or their heirs,

successors or assigns; to require each composer and each author of vocal or instrumental copyrighted musical compositions to act independently of any combination as herein declared unlawful in determining license fees and other rights; to require the author, composer and publisher to specify upon the musical composition the selling price thereof, including public performance for profit; to declare that any purchaser thereof, who pays such price therefor shall have the right to render such music privately or publicly for profit; to declare all existing agreements requiring license fees or other exactions for the privilege of rendering copyrighted musical compositions publicly for profit, made with any combination, firm or corporation herein declared unlawful, to be void and non-enforceable; to permit the present owners, possessors and users of such copyrighted music to render the same privately or publicly for profit without interference by such unlawful combination; to provide for the protection of theatres, moving picture houses, hotels, places for education and public performance or amusement, radio broadcasting and radio receiving and radio re-broadcasting stations affiliated with other persons, firms or corporations outside of the State of Florida, against the collection of license fees or other exactions by such out of the state affiliates for or on account of any combination herein declare unlawful; to provide all liability for any infringement of copyrighted musical compositions conveyed by radio broadcasting, air, wire, electrical transcription or sound producing apparatus, or by personal performance coming outside of the State of Florida and used herein to rest exclusively on the out of the state person, firm or corporation originally sending the same into this State for use herein; to provide penalties for the violation hereof; to empower the State's Attorney, under the direction of the Attorney General, upon the complaint of any party aggrieved by any violation hereof to proceed to enforce the penalties hereof against such combination and any of its members, agents or representatives; to empower any party aggrieved by any violation hereof to proceed in his own right hereunder; to define the legal procedure required to carry out the provisions herein; to provide for the recovery of costs, expenses and attorney's fees; to provide that the terms of this Act shall be cumulative; to provide that any part of this Act declared illegal shall not affect the validity of the remaining parts hereof." By repealing Sections 2A and 2B and 6; and amending Section 8 by reducing the penalties provided herein.

And Senate Bill No. 636, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 637:

A bill to be entitled An Act to prevent claims for additional compensation, fees or payment after sale of phonograph records, transcriptions or any form of recorded music and entertainment, or collection of licenses for the use of same after sale, by any performing artist, manufacturer or organization representing such performing artist or manufacturer, and to protect the purchaser thereof in its or their use for any purpose whatsoever.

And Senate Bill No. 637, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 634:

A bill to be entitled An Act in relation to the civil liability of owners, lessees, licensees and operators of radio broadcasting stations and the agents and employees of any such owner, lessee, licensee or operator, for radio defamation or libelous statements.

And Senate Bill No. 634, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 635:

A bill to be entitled An Act relating to public performing rights in copyrighted musical compositions and dramatico-musical compositions; defined the same; regulating licensing

of same; prescribing filing fees; making provisions for a resident agent in the State; levying a tax on the gross receipts from the licensing of such rights within the State of Florida; providing for the enforcement of this Act; the promulgation of rules and regulations, governing the enforcement of this Act; appropriating the proceeds of the tax and fees levied herein and repealing certain laws in conflict herewith.

And Senate Bill No. 635, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 498:

A bill to be entitled An Act relating to actions brought by a minor child and its father or other person standing in loco parentis as next friend for an injury done to such minor child, permitting the father or other person standing in loco parentis to such minor child to add thereto claims in his own right.

And Senate Bill No. 498, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 608:

A bill to be entitled "An Act to authorize and permit any owner and holder of a group of separate mortgages covering separate lots in any one subdivision to foreclose in one suit any one or more of such mortgages and obtain service by publication there, in where such mortgages are or were executed by various purchasers of said lots and where such mortgages are in default for five years or more."

And Senate Bill No. 608, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 521:

A bill to be entitled An Act relating to printing for the State of Florida and subdivisions thereof: to establish requirements of responsible bidders for printing work for the State of Florida and subdivisions thereof: requiring payment of prevailing-wage scale relative to work; to prescribe penalties for the violation hereof: to repeal all laws and parts of laws inconsistent herewith.

And Senate Bill No. 521, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 319:

A bill to be entitled An Act prescribing the period of time for which deraignment of title shall be shown in all legal proceedings, civil or criminal, involving trees or timber, and in which ownership of lands upon which said trees or timber shall have been situated shall be in issue.

And Senate Bill No. 319, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 528:

A bill to be entitled An Act amending Section 5987, Revised General Statutes of Florida, 1920, relating to the compensation of the Prosecuting Attorney of the County Court.

And Senate Bill No. 528, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 568:

A bill to be entitled An Act providing cumulative and additional remedies, including suspension and revocation of license and right to do business, in the enforcement of all laws of State of Florida now or hereafter in force having for their purpose the protection of trademark owners, producers, dis-

tributors and the general public against injurious and uneconomic practices in the distribution of competitive commodities bearing a distinguishing trade-mark, brand or name; authorizing the use of contracts establishing minimum resale prices and refusal to sell unless such minimum resale prices are observed, and making such contracts obligatory on all persons having knowledge of them, whether or not such persons are parties thereto, and providing the procedure and payment of costs and fees in connection therewith.

And Senate Bill No. 568, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Whitaker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 623:

A bill to be entitled An Act authorizing the graduates of the Jacksonville Law School to be admitted to practice law in all of the courts of the State of Florida without further examination as to their legal knowledge.

And Senate Bill No. 623, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Mapoles, Chairman of the Committee on County Organizations, reported that the Committee had carefully considered the following bills and recommends that they do pass.

Senate Bill No. 501:

A bill to be entitled An Act authorizing the County Commissioners in any county maintaining, under the supervision and control of the County Commissioners, a hospital or home for the poor and indigent, to levy each year, on all taxable property within such county, a tax not exceeding four mills on the dollar, in order to provide a special fund to be used, in addition to amounts appropriated out of the General Fund, for the maintenance, equipment, improvement and betterment of any such hospital or home and the care of the occupants of the home who shall be poor and indigent people of the county or dependent or delinquent children of said county, and for providing literary and industrial school training for the benefit of children maintained in such county's detention home.

Also—

Senate Bill No. 502:

A bill to be entitled An Act granting to the Boards of County Commissioners of the several counties of the State of Florida in which it is lawful for beverage licenses to be issued, full authority, in their respective counties, to suspend for reasonable periods of time, in their discretion, and/or to revoke the licenses of licensees under the Beverage Act of 1935, Chapter 16774, Acts of 1935, following the same procedure, for the same causes and under the same limitations as the Director of the Beverage Department is authorized by Section 1, Chapter 16774, Acts of 1935, and Section 3, Chapter 18015, Acts of 1937, to suspend and/or to revoke the licenses of said licensees.

And Senate Bills Nos. 501 and 502, contained in the above report, were placed on the Calendar of Bills on second reading.

Senator Mapoles, Chairman of the Committee on County Organizations, reported that the Committee had carefully considered the following bill and recommends that the same do pass, with Committee amendments:

Senate Bill No. 487:

A bill to be entitled An Act to amend Section 5995, Revised General Statutes of Florida, 1920, the same being Section 8289, Compiled General Laws of Florida, 1927, as amended by Chapter 18002, Laws of Florida, Acts of 1937, the same being laws relating to jurisdiction of Justices of the Peace and County Judges in criminal cases; the effect of this Act being to vest jurisdiction in Justices of the Peace to hold a court to try and determine certain misdemeanor cases arising in their respective districts.

Which amendments are as follows:

No. 1: In Section 1, 3rd paragraph, line 3, after the word "have" insert the following "concurrent."

No. 2: At the end of Section 2 add the following: "2-A."

And Senate Bill No. 487, contained in the above report, together with Committee Amendments thereto, was placed on the Calendar of Bills on second reading.

Senator Coulter, Chairman of the Committee on Pensions and Claims, reported that the Committee had carefully considered the following bills and recommends that they do pass.

**Senate Bill No. 444:**

A bill to be entitled An Act for the relief of the M. F. Comer Bridge and Foundation Company, and,

**Senate Bill No. 514:**

A bill to be entitled An Act for the relief of Jarlif, Inc., a corporation of the State of Florida, and,

**Senate Bill No. 600:**

A bill to be entitled An Act for the relief of Winslow S. Anderson, and,

**Senate Bill No. 605:**

A bill to be entitled An Act granting a Confederate pension to Mrs. J. C. Day, of Walton County, Florida.

And Senate Bills Nos. 444, 514, 600 and 605, contained in the above report, were placed on the Calendar of Bills on second reading.

Senator Hodges moved that a committee be appointed to escort Honorable Walter E. Edge, former United States Senator from New Jersey, to a seat on the rostrum.

Which was agreed to.

And the President appointed Senators Hodges, Clarke and Lewis as the committee.

**INTRODUCTION OF RESOLUTIONS AND CONSIDERATION OF SENATE RESOLUTIONS**

By Senators Graham, Dugger, Gillis, Coulter, Mapoles, Parker, Hinely and Sharit—

**Senate Resolution No. 17:**

WHEREAS, the present session of the Legislature has made no provisions to date for furnishing adequate funds for Old Age Assistance, and

WHEREAS, the people of the State of Florida feel that provisions for adequate Old Age Assistance is of primary importance of this session of the Legislature and should be given prior consideration to the increase of salaries and provisions for pensions for State Officials.

NOW, THEREFORE BE IT RESOLVED BY THE FLORIDA STATE SENATE:

That the President of the State Senate, Honorable J. Turner Butler, upon the passage of this Resolution shall appoint a Committee of three from the membership of the Senate to fully investigate all possible sources for provision by the State of \$15.00 to be matched with a like amount of Federal funds, thereby providing all persons in the State of Florida entitled to Old Age Assistance with a Pension of \$30.00 per month; that until adequate means are devised for the provision by the State of said \$15.00 for each aged person entitled to Old Age Assistance, action be postponed upon any measure pending before this body pertaining to increase in salaries or compensation of State officials or employees of the State of Florida; that said Committee report back to the Senate its findings on or before May 15, 1939.

Which was read the first time in full.

Senator Beall offered the following amendment to Senate Resolution No. 17:

At the end of the Resolution; strike period, and place in lieu thereof, comma, and add, Provided this Resolution shall not apply to or affect or postpone action upon Joint Committee Substitute for Senate Bills Nos. 55 and 56, or House Bill No. 104.

Senator Beall moved the adoption of the amendment.

Pending adoption of the foregoing amendment to Senate Resolution No. 17 Senator Holland moved that a committee be appointed to escort Mrs. Mary Noel Moody, State President of the United Daughters of the Confederacy, to a seat on the rostrum.

Which was agreed to.

And the President appointed Senators Holland, Beall and McKenzie as the committee.

The question recurred on the adoption of the amendment offered by Senator Beall to Senate Resolution No. 17.

Pending adoption of the amendment to Senate Resolution No. 17, Senator Mapoles moved that the rules be waived and

Senate Bill No. 180, a Special and Continuing Order for consideration by the Senate at 2:30 o'clock P. M. today, be made a Special and Continuing Order of business for consideration by the Senate at 2:30 o'clock P. M., Monday, May 15, 1939.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator Kanner moved that the rules be waived and the hour of adjournment at this Session be fixed at 4:50 o'clock P. M.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator Kanner moved that the rules be waived and the Senate convene on Tuesday, May 9, 1939, at 2:00 o'clock P. M. and adjourn at 6:00 o'clock P. M.

Which was agreed to by a two-thirds vote and it was so ordered.

The question recurred on the adoption of the amendment offered by Senator Beall to Senate Resolution No. 17.

Pending adoption of the amendment, the hour having arrived for the consideration of Senate Bill No. 89 and House Bill No. 482 as a Special and Continuing Order of business, a point of order was called and the Senate took up the consideration of the Special Orders.

Senator Beall moved that the rules be waived and the consideration of Senate Bill No. 89 be informally passed, the Senate proceeding to the consideration of House Bill No. 482 as a Special and Continuing Order of business.

Which was agreed to by a two-thirds vote.

**House Bill No. 482:**

A bill to be entitled An Act to amend Chapter 18,402, Acts of 1937, by making necessary provisions for correlating the operation of said law with the operation of the Federal Railroad Unemployment Insurance Act, approved June 25, 1938, and for cooperating with, and otherwise complying with the terms of, said Railroad Unemployment Insurance Act; by providing for transfer of certain funds from the Florida account in the Unemployment Trust Fund to the Federal Railroad Unemployment Insurance account; by providing for reciprocal agreements with other State or Federal unemployment insurance Acts; by clarifying the terms and provisions of said law; by making appropriations for the maintenance of the Florida State Employment Service; by providing for a study of experience rating of employers; by simplifying the benefit payment provisions thereunder; by transferring the powers of the Board of Review to the Florida Industrial Commission; by making additional provisions for the better enforcement of the law and the collection of contributions; by making transition provisions from the "old" to the "new" benefit payment formula; and in so doing to amend Sections 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 19, of said "Florida Unemployment Compensation Law," being

An Act providing for relief from involuntary unemployment; providing a system of unemployment compensation in the State of Florida; declaring the public policy of the State of Florida; providing for the administration of the Act by the Florida Industrial Commission; defining and providing for the functions, duties and powers of the Florida Industrial Commission in the administration of this Act; providing for an unemployment compensation fund by the levying of certain contributions on all employers of eight or more persons with certain designated exemptions and providing for the collection, appropriation, deposit, distribution and disbursement of the contributions and other monies which may be collected pursuant to this Act; defining conditions of eligibility for and regulating benefits; providing for the payment of unemployment benefits and establishing a procedure for the settlement and review of benefit claims; permitting reciprocal agreements or arrangements with the Federal Government or the other States of the Union; providing for the establishment of State employment offices and for the administration of all such offices as a division of the Florida Industrial Commission; providing for an Unemployment Compensation Division in the Florida Industrial Commission; providing for an Unemployment Compensation Administration Fund; providing penalties for the violation of this Act; providing for all the terms, conditions, requirements, limitations and prohibitions under which the said system of unemployment compensation shall be created and administered and the Unemployment Compensation Fund shall be collected, administered and disbursed; providing for the election and termination of coverage; providing for the creation of Advisory Councils; reserving right of amendment and re-



peal; and providing for the repeal of Chapter 17,270, Laws of Florida, Acts of 1935, being

"An Act creating the State Employment Board, fixing the number thereof, and the manner of appointment, authorizing said Board to employ certain personnel, providing for the compensation and expenses thereof and appropriating funds therefor and appointing said board as State agency to receive the benefits of the Wagner-Peyser Act and providing for reports to be made by said Board."

Was taken up.

Senator Beall moved that the rules be waived and House Bill No. 482 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Hill No. 482 was read the second time by title only.

Senators Beall and Holland offered the following amendment to House Bill No. 482:

Add to Section 6, page 23, a new subsection to be designated as subsection D "Future Rates Based on Benefit Experience," which section shall read as follows: Provided however, that in the event the Legislature in its regular 1941 session shall fail to adopt or make operative a system of merit rating, thereupon the Commission shall begin the maintenance of a separate account for each employer and credit each employer with all contributions which he has paid on his own behalf during that calendar year and the calendar years thereafter. But nothing in this Act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. All contributions to the fund shall be pooled and available to pay benefits to any individuals entitled thereto under this Act, irrespective of the source of such contributions. Benefits paid to an eligible individual shall be charged against the accounts of his most recent employers, in the inverse chronological order in which the employment of such individual occurred. The maximum amount so charged against the account of any employer shall not exceed one-third of the wages payable to such individual by each such employer for employment which occurs on and after the first day of such individual's base period, or \$100 per completed calendar quarter or portion thereof, whichever is the lesser; but nothing in this section shall be construed to limit benefits payable pursuant to Section 4 of this Act. The Commission shall by general rules prescribe the manner in which benefits shall be charged against the accounts of several employers for whom an individual performed employment at the same time. The Commission shall on July 1, 1942, for the calendar year beginning January 1, 1943, and for each calendar year thereafter classifying employers in accordance with their actual experience in the payment of contributions in their own behalf and with respect to benefits charged to their accounts, with the view of fixing such contribution rates as will reflect such experience. Each classification shall be made as of a date hereinafter referred to as the computation date which for the period beginning January 1, 1943, shall be July 1, 1942, and for the year 1944 and each calendar year thereafter shall be July 1 of the preceding year.

Each employer's rate shall be 2.7 per cent, unless throughout the three years preceding the most recent computation date he was an employer subject to this Act and benefits were payable to any individual in his employ who became unemployed and eligible.

(1) If as of such computation date the total of all his contributions paid on his own behalf for any past periods exceeded the total benefits charged to his account for all such periods, his contribution rate shall be (a) 2 per cent if such excess equals or exceeds 7½ but is less than 10 per cent of his average annual pay roll; (b) 1 per cent if such excess equals or exceeds 10 per cent of his average annual pay roll.

(2) No employer's rate for the calendar year beginning January 1, 1943 or for any calendar year thereafter shall be less than 2.7 per cent unless the total assets of the fund as of the immediately preceding computation date excluding contributions due but not then paid exceeded the total benefits paid from the fund within the period of 12 consecutive months preceding such computation date, and no employer's rate shall be less than 2 per cent unless such assets of the fund as of

such computation date were at least twice the total benefits paid from the fund within such period of twelve consecutive months.

(3) As used in this section the term "annual pay roll" means the total amount of wages payable by an employer for employment during the period of twelve consecutive months and the term "average annual pay roll" means the average of the annual pay rolls of an employer for a period consisting of 3 or 5 consecutive periods of twelve months each immediately preceding the most recent computation date whichever is the higher.

Senator Holland moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Beall and Holland also offered the following amendment to House Bill No. 482:

In Section 8, page 26 line 13 (typewritten bill), after the word "Board" strike out the period and insert in lieu thereof the following: and the other members of the Commission shall be paid for the additional duties involved in the administration of this Act and shall be allowed necessary expenses in connection therewith, which compensation and expenses shall be in addition to that provided under the terms of the Florida Workmen's Compensation Act, except that the total compensation of the members other than the Chairman for the administration of this Act shall not exceed \$1,200 per annum.

Senator Holland moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Beall and Johns offered the following amendment to House Bill No. 482:

In Section 1 (typewritten bill) Amend Section 3, page 6, by striking out subdivision (i) of sub-section VI of Section 3 E, said subdivision being after line 1 on page 6, and reading as follows:

"(i) In the event any employer, or employment is excluded from the operation of Title IX of the Federal Social Security Act, or amendments thereto, or by any Federal Statute, or by any ruling of the Social Security Board, or the Bureau of Internal Revenue, then such employer or employment shall be, by virtue of such fact, excluded from the operation of this Act." and insert in lieu thereof the following:

"(i) Any employer, employment, or service which is not included within the operation of Title IX of the Federal Social Security Act, or amendments thereto."

Senator Beall moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Beall offered the following amendment to House Bill No. 482:

In Section 1, page 9 (typewritten bill) strike sub-section 3 M; "Wages" means all remuneration payable for personal services, including commission and bonuses and the cash value of all remuneration payable in any medium other than cash. Gratuities customarily received by an individual in the course of his employment from persons other than his employing unit shall be treated as wages payable by his employing unit. The reasonable cash value of remuneration payable in any medium other than cash, and the reasonable amount of gratuities, shall be estimated and determined in accordance with rules prescribed by the Commission," and insert thereof the following: "Wages" means all remuneration payable for personal services, including commission and bonuses and the cash value of all remuneration payable in any medium other than cash. The reasonable cash value of remuneration payable in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the Commission."

Senator Beall moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

And House Bill No. 482, as amended, was placed on third reading as a Special Continuing Order of business.

Senator Whitaker moved that the Senate do now adjourn.

Which was agreed to and the Senate stood adjourned at 4:43 o'clock P. M., until 2:00 o'clock P. M., Tuesday, May 9, 1939.